

REMARKS

Agent for Applicant presents original claims 2-4, 6-12 and 14-25, previously amended claim 5 and amended claims 1, 13, 26 and 27 for consideration by the Examiner. The present application has 27 claims in total.

Specification

The Examiner reminds the Applicant of the proper language and format for an abstract of the disclosure.

Agent for the Applicant has amended the abstract of the disclosure to conform to the proper language and format and provides a substitute sheet therefor.

Claims Rejections – 35 USC §112

The Examiner rejects claim 1 because each element of the claim starts with a capital letter.

Claim 1 has been amended to overcome this objection.

Claims Rejections – 35 USC §102

The Examiner states that claims 1-4, 6-16, and 18-27 are rejected as being anticipated by Pugliese et al (US Patent Application No. 2002/0072974). Agent for Applicant respectfully disagrees for the following reasons.

Pugliese discloses a ShopLive system that, amongst other elements, includes:

- a ShopLive Browser which provides access to a collection of malls and merchant's facilities (para. 0164), any may provide a portal whereby a Shopper can access a ShopLive mall that includes "a collection of video enabled merchants" (para. 0166).
- an "Internet toolbar" that features "one button access to ShopLive components as well as a reserved advertising area that displays personalized ShopLive content based upon the shopper's preferences" (para. 0409) and that includes a "manage content delivery internal function" that "manages the delivery of content from the various content providers to the live browsers and ShopLive toolbars based on the shopper's preferences. The function maintains the system tables containing the provider information and linking the content providers to their external sites" (para. 0413); and

- a Shopper Data Domain that “contains data about each individual ShopLive shopper” the data being “collected through shopper registration, surveys and ongoing execution of shopping sessions” (para. 0115).

The present invention is a system, computer product and method that, amongst other elements, includes:

- a “web publication tool” that either enables web sites of individual Sales Agents to appear as stand alone web sites; or enables the creation of a “network of customized web pages” of “individual Sales Agents” (para. 0046);
- the “web publication tool further is “provided using an interface that is particularly easy to use” (para. 0033) that “permits the Sales Agents to design web sites dynamically” so that Sales Agents can “create their own web sites” (para. 0033) which can be updated “on a regular basis” (para. 0035) and which “builds into the customized web page key web site functions that are linked to the sales generation process over the Internet” (para. 0039); and
- a “database management facility” that “permits the Sales Agent to import to the database the contents of their client list from a remote computer” (para. 0041), “permits new entries to the client list to be collected by means of the customized web site” (para. 0041) and “enables clients to input via a user interface provided by the Internet server new contact information to the client list” (para. 0042). “Sales Agents can access only their own data” (para. 0043), but may also “elect to share specific data with other Sales Agents” (para. 0043).

The foregoing highlights the marked differences between the ShopLive system the Pugliese patent and the present invention.

- The ShopLive system provides access generally to a collection that includes malls and merchant’s facilities (para. 0164); whereas the present invention permits the creation of web sites that appear to a user the web site of an individual Sales Agent, or may create a “network of customized web pages” of “individual Sales Agents” (para. 0046).
- The customizable ShopLive toolbar permits “one button access to ShopLive components” (para. 0409), such components may “display personalized ShopLive

content” (para. 0409), as such the toolbar is a means of accessing content that is delivered from “various content providers” (para. 0413); whereas, the web publication tool of the present invention “permits the Sales Agents to design web sites dynamically” (para. 0033) and to customize and update such web sites including the web site “content” (para. 0032).

- Client data collected by the ShopLive system is derived from “shopper registration, surveys and ongoing execution of shopping sessions” (para. 0115); whereas the present invention collects client data from a Sales Agent’s “remote computer” (para. 0041) as well as other sources and permits a Sales Agent to “elect to share specific data with other Sales Agents” (para. 0043).

Agent for Applicant respectfully submits that the present invention is novel in light of the Pugliese patent.

With respect to claim 1, it is amended to overcome Examiner’s objection. In particular, Pugliese does not disclose:

“b) customizing, publishing and updating a web site promoting goods or services using the server application, based on application of a plurality of web design selection tools to a plurality of web templates provided by the server application, whereby:

- i) the web site includes a public area and an administration area;
- ii) the server application enables the one or more sales agent users to design web sites dynamically having function aspects built into the web sites that are linked to the sales generation process;
- iii) the plurality of web selection tools and plurality of web templates are updated regularly by an operator of the server application to incorporate one or more feature aspects and one or more function aspects linked to the sales generation process whereby the plurality of web selection tools and plurality of web templates are current with best practices of sales generation; and
- iv) the web sites of each sales agent user are presented to a user as: unrelated to other web sites built by other sales agent users using the server

application; as related to one or more web sites of individual sales agent users, said one or more web sites being built using the server application; or as a network of web sites of individual sales agent users being built using the server application and said network of web sites including a master web site;

c) collecting contact data for customers and potential customers via the web site, collecting contact data from a remote computer of one or more sales agents, or collecting contact data through client input via a user interface, whereby:

i) the contact data collected via the web site and the contact data collected from the one or more sales agents is stored to a common database linked to the server application;

ii) the server application enables the one or more sales agent users to control access to their contact data stored in the database whereby the contact data of one sales agent user may be accessed by multiple sales agent users, such access being granted by the one sales agent user; and

iii) the contact data stored in the database may be updated on an ongoing basis.”

It is respectfully submitted, for at least the reasons cited above that Pugliese does not anticipate claim 1.

With respect to claims 2-4, these claims depend from claim 1 and therefore incorporate the elements claimed in claim 1. It is therefore submitted that claims 2-4 are patentable for at least the reasons cited above.

With respect to claims 6-12, these claims depend (directly and indirectly) from claim 1 and therefore incorporate the elements claimed in claim 1. It is therefore submitted that claims 6-12 are patentable for at least the reasons cited above.

With respect to claim 13, it is amended to overcome Examiner’s objection. In particular, Pugliese does not disclose:

“ii) a web publication facility that enables the plurality of sales agent users to dynamically customize, publish and update a customized web site promoting goods or services based on application of a plurality of web design selection tools to a plurality

of web templates having function aspects linked to the sales generation process are built into the web sites, the plurality of web selection tools and plurality of web templates being updated regularly by an operator of the server application to incorporate one or more feature aspects and one or more function aspects linked to the sales generation process whereby the plurality of web selection tools and plurality of web templates are current with best practices of sales generation; the customized web site including a public area and an administration area; the customized web sites of each sales agent user being presented to a user as: unrelated to other web sites built by other sales agent users using the server application; as related to one or more web sites of individual sales agent users, said one or more web sites being built using the server application; or as a network of web sites of individual sales agent users being built using the server application and said network of web sites including a master web site; and the customized web site enabling the collection of and ongoing updating of contact data of customers and potential customers that is stored to a database common to the plurality of sales agent users, said database capable of receiving contact data from a remote computer and via a user interface, and said contact data stored in the common database received from a sales agent user's remote computer or web site being accessible by said sales agent user and by other sales agent users if access is granted by said sales agent user;"

It is respectfully submitted, for at least the reasons cited above that Pugliese does not anticipate claim 13.

With respect to claims 14-16, these claims depend from claims 13 and therefore incorporate the elements claimed in claim 13. It is therefore submitted that claims 14-16 are patentable for at least the reasons cited above.

With respect to claims 18-25, these claims depend from claims 13 (directly or indirectly) and therefore incorporate the elements claimed in claim 13. It is therefore submitted that claims 18-25 are patentable for at least the reasons cited above.

With respect to claim 26, it is amended to overcome Examiner's objection. In particular, Pugliese does not disclose:

"b) a web publication facility that enables the plurality of sales agent users to dynamically customize, publish and update a customized web site promoting goods or

services based on application of a plurality of web design selection tools to a plurality of web templates having function aspects linked to the sales generation process are built into the web sites, the plurality of web selection tools and plurality of web templates being updated regularly by an operator of the server application to incorporate one or more feature aspects and one or more function aspects linked to the sales generation process whereby the plurality of web selection tools and plurality of web templates are current with best practices of sales generation; and whereby:

- i) the customized web site includes a public area and an administration area;
- ii) the customized web sites of each sales agent user being presented to a user as: unrelated to other web sites built by other sales agent users using the server application; as related to one or more web sites of individual sales agent users, said one or more web sites being built using the server application; or as a network of web sites of individual sales agent users being built using the server application and said network of web sites including a master web site; and
- iii) the customized web site enabling the collection of and ongoing updating of contact data of customers and potential customers that is stored to a database common to the plurality of sales agent users, said database capable of receiving contact data from a remote computer and via a user interface, and said contact data stored in the common database received from a sales agent user's remote computer or web site being accessible by said sales agent user and by other sales agent users if access is granted by said sales agent user;"

It is respectfully submitted, for at least the reasons cited above that Pugliese does not anticipate claim 26.

With respect to claim 27, it is amended to overcome Examiner's objection. In particular, Pugliese does not disclose:

- "a) a web publication facility that enables the plurality of sales agent users to dynamically customize, publish and update a customized web site promoting goods or services based on application of a plurality of web design selection tools to a plurality of web templates having function aspects linked to the sales generation process are

built into the web sites, the plurality of web selection tools and plurality of web templates being updated regularly by an operator of the server application to incorporate one or more feature aspects and one or more function aspects linked to the sales generation process whereby the plurality of web selection tools and plurality of web templates are current with best practices of sales generation; and whereby:

- i) the customized web site includes a public area and an administration area;
- ii) the customized web sites of each sales agent user being presented to a user as: unrelated to other web sites built by other sales agent users using the server application; as related to one or more web sites of individual sales agent users, said one or more web sites being built using the server application; or as a network of web sites of individual sales agent users being built using the server application and said network of web sites including a master web site; and
- iii) the customized web site enabling the collection of and ongoing updating of contact data of customers and potential customers that is stored to a database common to the plurality of sales agent users, said database capable of receiving contact data from a remote computer and via a user interface, and said contact data stored in the common database received from a sales agent user's remote computer or web site being accessible by said sales agent user and by other sales agent users if access is granted by said sales agent user;"

It is respectfully submitted, for at least the reasons cited above that Pugliese does not anticipate claim 27.

Claims Rejection – 35 USC §103(a)

The Examiner rejects claims 5 and 17 as unpatentable over Pugliese in view of official notice.

With respect to claim 5, it depends from claim 1 and for at least the reasons cited above is not obvious in light of Pugliese in view of official notice.

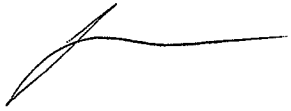
With respect to claim 17, it depends from claim 13 and for at least the reasons cited above Agent for Applicant respectfully submits that the present invention is not obvious in light of Pugliese in view of official notice.

CONCLUSIONS:

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the application to be in allowable condition or believe that a conference call would be of value in expediting the prosecution of the application, Applicant requests that the Examiner telephone the undersigned Counsel to discuss the case.

Yours faithfully,



Agent for Applicant
Eugene J.A. Gierczak
(Registration No. 31,690)
MILLER THOMSON LLP
Barristers & Solicitors
Scotia Plaza, P.O. Box 1011
40 King Street West, Suite 5800
Toronto, Ontario Canada M5H 3S1
Telephone No. 416.596.2132
Telecopier No. 416.595.8695
EJAG/kld

Encl

cc: Gabrielle Jeans